

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

FRANK TEPPER,

Petitioner,

v.

BARRY SMITH *et al.*,

Respondents.

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CIVIL ACTION NO. 21-387

ORDER

AND NOW, this 25th day of January, 2024, upon consideration of Petitioner Frank Tepper's Petition for Writ of Habeas Corpus (ECF No. 1), the Report and Recommendation of U.S. Magistrate Judge Carol Sandra Moore Wells (ECF No. 31), and the parties' objections and responses thereto, it is hereby **ORDERED** as follows:

1. The Report and Recommendation is **ADOPTED IN PART AND REJECTED IN PART** for the reasons set forth in the accompanying memorandum;
2. Mr. Tepper's Petition for Writ of Habeas Corpus is **DENIED**, and a certificate of appealability shall not issue;
3. Mr. Tepper's pending motions (ECF Nos. 34–37, 39, 41–42) are **DENIED AS MOOT**; and
4. The Clerk of Court shall close this case.

BY THE COURT:

/s/ Jeffrey L. Schmehl
JEFFREY L. SCHMEHL, J.